

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
LINDA ANN CHANEY,
Defendant.

No. 2:05-CR-00034-MCE

ORDER

Defendant Linda Ann Chaney ("Defendant") was originally convicted in this case of drug trafficking conspiracy offenses for which she received a one hundred and three (103) month sentence.¹ She was released in 2011 and the following year violated her supervised release when she assisted her boyfriend in covering up a double murder. ECF No. 374. After an evidentiary hearing, Defendant's release was revoked and she was sentenced to forty-six (46) additional months, to be served consecutively to any state court judgment. ECF No. 419. Presently before the Court is Defendant's Motion to Vacate and/or Reduce Sentence. ECF No. 435. The Government opposes Defendant's request. ECF No. 442. For the reasons that follow, her Motion is DENIED.

"[A] judgment of conviction that includes [a sentence of imprisonment] constitutes a final judgment' and may not be modified by a district court except in limited

¹ Defendant's guideline range was 235-293 months. ECF No. 243.

circumstances.” Dillon v. United States, 560 U.S. 817, 824 (2010) (alterations in original; quoting 18 U.S.C. § 3582(b)). Those circumstances are delineated in 18 U.S.C. § 3582(c). “Effective December 21, 2018, the First Step Act of 2018 amended 18 U.S.C. § 3582(c)(1)(A) to permit an inmate, who satisfies certain statutorily mandated administrative procedures, to file a motion with the district court for compassionate release.” Riley v. United States, 2020 WL 1819838, at *5 (W.D. Wash. Apr. 10, 2020) (citing 18 U.S.C. § 3582(c)(1)(A)). That statute now provides:

(c) Modification of an imposed term of imprisonment.—
The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons [(“BOP”)], or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the [BOP] to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

(i) extraordinary and compelling reasons warrant such a reduction;

. . . .

and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission

18 U.S.C. § 3582(c)(1)(A)(i).

“Thus, the First Step Act amended § 3852(c)(1)(A) to allow prisoners to directly petition a district court for compassionate release, removing the BOP’s prior exclusive gatekeeper role for such motions.” Riley, 2020 WL 1819838, at *5. “The statute now provides the court with authority to reduce a sentence upon the motion of a defendant if three conditions are met: (1) the inmate has either exhausted his or her administrative appeal rights of BOP’s failure to bring such a motion on the inmate’s behalf or has

1 waited until 30 days after the applicable warden has received such a request; (2) the
2 inmate has established ‘extraordinary and compelling reasons’ for the requested
3 sentence reduction; and (3) the reduction is consistent with the Sentencing
4 Commission’s policy statement.” Id. (footnote omitted).

5 The starting point for the policy statement referenced in the third prong is United
6 States Sentencing Guidelines (“USSG”) § 1B1.13, which provides:

7 [T]he court may reduce a term of imprisonment (and may
8 impose a term of supervised release with or without conditions
9 that does not exceed the unserved portion of the original term
10 of imprisonment) if, after considering the factors set forth in 18
11 U.S.C. § 3553(a), to the extent that they are applicable, the
12 court determines that--

13 (1)(A) Extraordinary and compelling reasons warrant the
14 reduction; or

15 (B) The defendant (i) is at least 70 years old; and (ii) has
16 served at least 30 years in prison pursuant to a sentence
17 imposed under 18 U.S.C. § 3559(c) for the offense or offenses
18 for which the defendant is imprisoned;

19 (2) The defendant is not a danger to the safety of any other
20 person or to the community, as provided in 18 U.S.C. §
21 3142(g); and

22 (3) The reduction is consistent with this policy statement.

23 Since Defendant is less than 70 years old and was not sentenced pursuant to 18
24 U.S.C. § 3559(c), she is only “entitled to relief if [s]he demonstrates that (1) extraordinary
25 and compelling reasons warrant a sentence reduction, (2) [s]he is not a danger to the
26 safety of others or the community, and (3) any requested reduction is consistent with the
27 policy statement.” Riley, 2020 WL 1819838, at *6.

28 “The Sentencing Commission’s application notes to this policy statement provide
further guidance.” Id. Indeed, the notes explain that “extraordinary and compelling
reasons” exist when:

(A) Medical Condition of the Defendant.

. . . .

(ii) The defendant is—

(I) suffering from a serious physical or medical condition,

(II) suffering from a serious functional or cognitive impairment, or

(III) experiencing deteriorating physical or mental health because of the aging process,

that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover.


U.S.S.G. § 1B1.13 cmt. n.1 (emphasis added).

Here, Defendant contends she suffers from serious physical or medical conditions that make her particularly vulnerable to COVID-19 such that she qualifies for release. The burden is on Defendant. United States v. Holden, 2020 WL 1673440, at *3 (D. Or. Apr. 6, 2020). She has not met that burden here.

After considering all of the circumstances of this case, including the factors under 18 U.S.C. § 3553(a), the Court agrees with the Government that, even assuming Defendant's medical conditions are sufficient to qualify her for consideration for release, such release would be inappropriate both under § 3553(a) and because Defendant remains a danger to the community. See ECF No. 442 at 10-12. Defendant's Motion to Vacate and/or Reduce Sentence (ECF No. 435) is thus DENIED.

IT IS SO ORDERED.

Dated: February 25, 2021


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE